

AN ORDINANCE

03-0-0434

BY TRANSPORTATION COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE AN AMENDMENT TO CITY COVENANTS THAT ARE PART OF THE LIMITED WARRANTY DEED BETWEEN THE CITY OF ATLANTA (THE CITY), THE CITY OF COLLEGE PARK, GEORGIA (COLLEGE PARK), AND THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY (THE AUTHORITY) DATED APRIL 17, 2000, AND AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY, COLLEGE PARK AND THE AUTHORITY DATED MARCH 16, 2000 AMENDING ADDENDUM #3 THERETO; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") owns and operates William B. Hartsfield Atlanta International Airport (the "Airport"); and

WHEREAS, the Airport is undergoing a major expansion, including the construction of a new Consolidated Rental Car Facility and associated People Mover Rail Line; and

WHEREAS, the City and Gateway Airport Associates entered into a People Mover Easement Agreement with each other dated April 17, 2000 (the "Easement Agreement"), regarding issues pertaining to the Airport expansion, including but not limited to the City's ability to construct the People Mover Rail Line over, through, across and upon that portion of the "Easement Area" as defined in the Easement Agreement; and

WHEREAS, the granting of this easement area was memorialized by a Limited Warranty Deed between the City, the City of College Park, Georgia ("College Park") and the College Park Business and Industrial Development Authority (the "Authority") dated April 17, 2000 that is subject to certain covenants and restrictions (the "City Covenants") that are part of the Limited Warranty Deed; and

WHEREAS, the Limited Warranty Deed, including the City Covenants are made a part of the Intergovernmental Agreement between the City, College Park and the Authority dated March 16, 2000 as Addendum #3; and

WHEREAS, the City, College Park and the Authority now mutually desire to amend the City Covenants to the Limited Warranty Deed and Addendum #3 to the Intergovernmental Agreement; and

WHEREAS, College Park, College Park Business and Industrial Development Authority, Gateway Airport Associates, and the City simultaneously will enter into a First Amendment to the Easement Agreement to support the required interface between the Consolidated Rental Car Facility, the People Mover Rail Line, and the Georgia International Convention Center/Gateway Station; and

WHEREAS, all of the foregoing actions and agreements are co-dependant and require the approval of this Ordinance to ensure the Limited Warranty Deed conforms to the terms of the Amended People Mover Easement Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to execute and enter into an Amendment to City Covenants that is part of the Limited

Warranty Deed dated April 17, 2000 on behalf of the City, and an Amendment to the Intergovernmental Agreement dated March 16, 2000 amending Addendum #3 thereto.

BE IT FURTHER ORDAINED, that the City Attorney be and is hereby directed to prepare the Amendment to City Covenants and the Amendment to the Intergovernmental Agreement for execution by the Mayor, to be approved as to form by the City Attorney.

BE IT FURTHER ORDAINED, that these Amendments shall not become binding on the City and the City shall incur no liability upon same until such Amendment has been executed by the Mayor and delivered to the City of College Park and The College Park Business and Industrial Development Authority.

BE IT FINALLY ORDAINED, that all parts of ordinances in conflict herewith be, and are hereby repealed.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

General Manager's Signature: _____

From: Originating Dept. Aviation

Committee of Purview: TC

Committee Meetings: 03/12/03



Contact: Anita Williams 404-530-6600

Committee Deadline: 02/28/03

City Council Meeting: 03/17/03

CAPTION:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE AN AMENDMENT TO CITY COVENANTS THAT ARE PART OF THE LIMITED WARRANTY DEED BETWEEN THE CITY OF ATLANTA (THE CITY), THE CITY OF COLLEGE PARK, GEORGIA (COLLEGE PARK), AND THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY (THE AUTHORITY) DATED APRIL 17, 2000; AND AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY, COLLEGE PARK AND THE AUTHORITY DATED MARCH 16, 2000 AMENDING ADDENDUM #3 THERETO; AND FOR OTHER PURPOSES.

BACKGROUND/DISCUSSION: The final location of support facilities (hotels, shops, etc.) to support the Georgia International Convention Center/Gateway Development has been finalized and approved by the Federal Aviation Administration, City of Atlanta (the "City"), Gateway, the College Park Business and Industrial Development Authority (the "Authority"), City of College Park ("College Park") and other interested stakeholders. The final location of these facilities will require modification to the alignment of the People Mover Rail Line easement over, through, across and upon certain property owned by Gateway and the College Park Business and Industrial Development Authority to facilitate construction of the People Mover from the Consolidated Rental Agency Complex to the Central Passenger Terminal Complex. This modification requires amendment to the City Covenants that are part of the Limited Warranty Deed between the City, College Park and the Authority and are contained in Addendum #3 to the Intergovernmental Agreement regarding to accurately reflect the APM Easement area.

FINANCIAL IMPACT: NA

SOURCE: NA

Mayor's Staff Only:

Received by Mayor's Office: _____
(Date)

Reviewed: _____
(Initials) (Date)

Submitted to Council: _____

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended
☐ Substitute ☐ Referred ☐ Other